



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

**DEPARTMENT OF INSPECTIONS
AND ENFORCEMENT**

MARK A. SNOW

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November 18, 2019

NOTICE OF VIOLATION

Mayor, William Martin
City of Greenfield
14 Court Square
Greenfield, MA 01301

Re: Greenfield Public Library

Mayor William Martin,

This letter is regarding the Greenfield Public library located at 402 Main Street. Recently the city of Greenfield hired Structural Support & Design Services to evaluate and determine the occupancy load and egress requirements for the basement level of the Library, specifically the two meeting rooms and the book stack room. Michael Rainville performed the evaluation. As result of Mr. Rainville's evaluation, a report of his findings and determination was prepared and provided to the city.

Mr. Rainville determined that two means of safe egress are required from the basement level. One means of egress and exit, is the exit located at the north end of the corridor between the two rooms. The second exit from the basement level is of concern. Deficiencies noted by Mr. Rainville are listed below;

- 2nd means of egress from the two meeting rooms is the enclosed stairway that leads to grade at northern end of the west side of the basement stack area. Stairway is non-code compliant as an egress route. The basement stack room is typically locked shut except during limited times when the stack area is occupied, consequently stack room exit cannot be considered a safe means of egress.
- The door to the stairway that leads up to the 1st floor (Non-compliant as an egress route) is locked when Library is closed.
- A code compliant second means of egress is not available to the occupants in the basement meeting rooms when used during periods when the Library is closed.
- The basement stack area is without a code compliant second means of egress.

- There is no accessible second means of egress available in the basement.

Mr. Rainville's notes in his report there is no second accessible means of egress from rooms B 101 and B 102 at any time. 521 CMR Massachusetts Architectural Access Board (AAB) regulations regulates accessibility for public buildings, 521 CMR section 3.3 applies to existing buildings,

3.3 EXISTING BUILDINGS All additions to, reconstruction, remodeling, and alterations or repairs of existing public buildings or facilities, which require a building permit or which are so defined by a state or local inspector, shall be governed by all applicable subsections in 521 CMR 3.00: JURISDICTION

There is no open permit or permit application that has been filed with this department for work described in section 3.3, therefore, there is no trigger mechanism that requires work to provide a second accessible means of egress from either of these rooms. However, once work is performed as described in 521 CMR section 3.3, and that work falls under the requirements of 521 CMR, 3.3, 3.3.1, thru 3.3.6 then, at that time, a second accessible means of egress would be required. See sections 3.3.1 thru 3.3.6,

3.3.1 If the work being performed amounts to less than 30% of the full and fair cash value of the building and

a. if the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR or

b. if the work costs \$100,000 or more, then the work being performed is required to comply with 521 CMR. In addition, an accessible public entrance and an accessible toilet room, telephone, drinking fountain (if toilets, telephones and drinking fountains are provided) shall also be provided in compliance with 521 CMR. Exception: General maintenance and on-going upkeep of existing, underground transit facilities will not trigger the requirement for an accessible entrance and toilet unless the cost of the work exceeds \$500,000 or unless work is being performed on the entrance or toilet.

Exception: Whether performed alone or in combination with each other, the following types of alterations are not subject to 521 CMR 3.3.1, unless the cost of the work exceeds \$500,000 or unless work is being performed on the entrance or toilet. (When performing exempted work, a memo stating the exempted work and its costs must be filed with the permit application or a separate building permit must be obtained.)

a. Curb Cuts: The construction of curb cuts shall comply with 521 CMR 21.00: CURB CUTS. 521 CMR: ARCHITECTURAL ACCESS BOARD 1/27/06 521 CMR - 10 3.00: JURISDICTION

b. Alteration work which is limited solely to electrical mechanical, or plumbing systems; to abatement of hazardous materials; or retrofit of automatic sprinklers and does not involve the alteration of any elements or spaces required to be accessible under 521 CMR. Where electrical outlets and controls are altered, they must comply with 521 CMR.

c. Roof repair or replacement, window repair or replacement, repointing and masonry repair work.

d. Work relating to septic system repairs, (including Title V, 310 CMR 15.00, improvements) site utilities and landscaping.

3.3.2 If the work performed, including the exempted work, amounts to 30% or more of the full and fair cash value (see 521 CMR 5.00) of the building the entire building is required to comply with 521 CMR.

a. Where the cost of constructing an addition to a building amounts to 30% or more of the full and fair cash value of the existing building, both the addition and the existing building must be fully accessible.

3.3.3 Alterations by a tenant do not trigger the requirements of 521 CMR 3.3.1b and 3.3.2 for other tenants. However, alterations, reconstruction, remodeling, repairs, construction, and changes in use falling within 521 CMR 3.3.1b and 3.3.2, will trigger compliance with 521 CMR in areas of public use, for the owner of the building.

3.3.4 No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction.

3.3.5 If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, that space shall be made accessible.

3.3.6 No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction.

Mr. Rainville's notes in his report that 780 CMR sections 102.6 and 102.6.4 apply to existing buildings:

102.6 Existing Structures. The legal occupancy of any structure existing on the date of the adoption of 780 CMR shall be permitted to continue without change, except as is specifically covered in 780 CMR or as deemed necessary by the Building Official for the general safety and welfare of the public.

102.6.4 Existing Means of Egress, Lighting and Ventilation. The Building Official may cite any of the following conditions in writing as a violation and order the abatement within a time frame deemed necessary by the Building Official to make the building environment safe, healthy, or otherwise comply with 780 CMR.

1. Inadequate number of egress.
2. Egress components with insufficient width or so arranged to be inadequate, including signage and lighting.
3. Inadequate lighting & ventilation.

As a result of Mr. Rainville's findings and determination, this department in conjunction with Fire Chief, Robert Strahan and Fire Prevention Officer Daniel Smith believe these deficiencies pose potential serious safety concerns and that those concerns must be addressed.

This portion of the letter serves as a “**Notice of Violation**” in accordance with 780 CMR Massachusetts State Building Code 9th Edition, section 102.6.4. All codes referenced within this letter are from 780 CMR Massachusetts State Building Code 9th Edition with Massachusetts amendments unless otherwise noted.

114.2 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of 780 CMR, or in violation of a permit or certificate issued under the provisions of 780 CMR. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Violations:

1. Inadequate number of means of egress from the book stacks room. (102.6.4 & Table 1006.3.1) There is no approved 2nd means of egress from the book stack room.
 - The book stack room shall not be occupied / used until an approved 2nd means of egress is provided, inspected and approved by this department.
 - To remedy this violation, see options provided in Mr. Rainville’s report. A written plan of corrective action to remedy this violation must be provided to this department for review and approval; this plan must be provided within 45 days from date of this notice.
2. Inadequate number of means of egress from rooms B 101 and B 103. (102.6.4, 1001.2, 1001.3 & Table 1006.3.1)
 - Must provide and maintain two separate means of egress from rooms B 101 & B 103 at all times the building is occupied / open.
 - The basement level shall not be occupied when two separate means of egresses are not provided.
 - To remedy this violation, see options provided in Mr. Rainville’s report. A written plan of corrective action to remedy this violation must be provided to this department for review and approval; this plan must be provided within 45 days from the date of this notice.
3. The stairway to the first floor is not adequately marked with signage as an exit. (102.6.4, 1008.2, 1008.3 & 1013)
 - To remedy this violation, install additional illuminated exit sign / emergency lights near the door at the base of the center stairs to mark as an egress route, 30 days to correct.

114.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or change the use or occupancy of any building, structure or equipment regulated by 780 CMR, or cause same to be done, in conflict with or in violation of any of the provisions of 780 CMR.

114.3 Enforcement. Violations to 780 CMR shall be enforced in accordance with the applicable provisions of M.G.L. c. 143, M.G.L. c. 148, and M.G.L. c. 148A.

114.4 Violation Penalties. Any person who violates a provision of 780 CMR or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure, or makes a change of use in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of 780 CMR, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94(a).

This department is open to other options, (short and long term) that are not noted in Mr. Rainville's report. Any possible option must be presented to this department in writing for review and approval.

If you are aggrieved by any decision or order relating to the violations of 780 CMR cited above you may file an appeal in accordance with 780 CMR 113.0 no later than 45 days after the service of notice thereof of the interpretation, order, requirement or direction.

113.1 General. Appeals of orders, decisions, determinations and failures to act made by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except the specialized codes of M.G.L. c. 143, § 96, relative to the application and interpretation of 780 CMR shall be addressed by the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100.

An application to file an appeal may be found at

<http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>

You may contact me with questions you have concerning this matter.

Respectfully,



Mark A. Snow

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cc: Ellen Boyer - Director of Public Library
Mark Smith - Director of General Administration
Robert Strahan - Fire Chief
Daniel Smith - Fire Prevention Officer